

Montana Water Court  
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**IN THE WATER COURT OF THE STATE OF MONTANA  
YELLOWSTONE DIVISION  
LITTLE MISSOURI RIVER ABOVE LITTLE BEAVER CREEK – BASIN 39F  
PRELIMINARY DECREE**

\*\*\*\*\*

CLAIMANTS: Edward Lawrence; Mary Lawrence

**CASE 39F-0429-R-2022**

OBJECTOR: National Park Service Water Resources  
Division

39F 211856-00

39F 211857-00

39F 212016-00

39F 212017-00

**ORDER AMENDING AND ADOPTING MASTER'S REPORT  
AND  
CORRECTING ABSTRACT**

Pursuant to Montana Code Annotated, section 85-2-233(5), Case 39F-0429-R-2022 was assigned to Water Master Anika M. Stern. A Master's Report was issued on April 12, 2023. On April 17, 2023, the National Park Service Water Resources Division objected to the Master's Report.

The Objection correctly identifies a clerical error in Finding of Fact No. 5 and the attached Post Decree Abstract for claim 39F 211856-00. The Master's Report (and Post Decree Abstract for claim 39F 211856-00) erroneously recommends changing the legal land description for claim 39F 211856-00, place of use ID No. 3, from the NWNW of Section 8, Township 9 South, Range 60 East to the N2SENE of Section 8. The Stipulation provides that place of use ID No. 3 should be the NENWNW of Section 8. Finding of Fact No. 5 of the Master's Report should be corrected to say:

5. Pursuant to the Stipulation, the following modifications should be made to claim 39F 211856-00:

Volume: 207.80 790.00 AC-FT

THE VOLUME OF THIS CLAIM HAS BEEN REDUCED TO THE 2.0-ACRE FEET PER ACRE GUIDELINE FOR WATER SPREADING. THE VOLUME MAY BE CONTESTED BY PROPER OBJECTION.

Maximum Acres: 305.00 103.80

Place of Use:							
ID	Acres	Govt Lot	Qtr Sec	Sec	Twp	Rge	County
1	37.00		SWSW	4	9S	60E	CARTER
2	32.80 36.00		SWSW	5	9S	60E	CARTER
3	1.20 30.00	NENWNW	NWNW	8	9S	60E	CARTER
4	10.00		SWNW	8	9S	60E	CARTER
5	6.80 20.00	N2SENE	SENE	8	9S	60E	CARTER
6	22.80 25.00		SWNW	9	9S	60E	CARTER
7	.40 8.00	NESWNE	SWNE	8	9S	60E	CARTER
8	2.80 5.00	E2SESE	SESE	6	9S	60E	CARTER
9	30.00		NENE	7	9S	60E	CARTER
10	30.00		SENE	7	9S	60E	CARTER
11	15.00		NESE	7	9S	60E	CARTER
12	10.00		NWSE	7	9S	60E	CARTER
13	30.00		NE3W	7	9S	60E	CARTER
14	40.00		SE3W	7	9S	60E	CARTER
15	40.00		SWNE	7	9S	60E	CARTER
Total:		305.00					

A map was attached to the Stipulation as Exhibit 2, showing the proposed place of use. The Post Decree Abstract for claim 39F 211856-00 has been corrected.

The Court has reviewed the Water Master's Findings and Conclusions. Pursuant to Rule 53(e), Montana Rules of Civil Procedure, the Court **ADOPTS** the Master's Report with the above-referenced amendment.

A corrected Post Decree Abstract for claim 39F 211856-00 is served with this Order to confirm that the Recommendations set forth in the Master's Report, as amended by this Order, have been adopted for the claims in this Case.

### ELECTRONICALLY SIGNED AND DATED BELOW.

#### Service via USPS Mail

Edward Lawrence  
Mary Lawrence  
P.O. Box 63  
Alzada, MT 59311-0063

#### Service via Electronic Mail

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**POST DECREE**  
**ABSTRACT OF WATER RIGHT CLAIM**  
**LITTLE MISSOURI RIVER, ABOVE LITTLE BEAVER CREEK**  
**BASIN 39F**

**Water Right Number:** 39F 211856-00 STATEMENT OF CLAIM

**Version:** 3 -- POST DECREE

**Status:** ACTIVE

**Late Claim:** B

**Owners:**

MARY LAWRENCE  
PO BOX 63  
ALZADA, MT 59311 0063

EDWARD LAWRENCE  
PO BOX 63  
ALZADA, MT 59311 0063

**Priority Date:** DECEMBER 10, 1896

**Enforceable Priority Date:** JUNE 30, 1973

CLAIM FILED LATE 08/16/1985 . AS MANDATED BY SECTION 85-2-221(3), MCA, THIS CLAIM IS SUBORDINATE, AND THEREFORE JUNIOR, TO ALL INDIAN AND FEDERAL RESERVED WATER RIGHTS AND ALL VALID TIMELY FILED CLAIMS BASED ON STATE LAW.

**Type of Historical Right:** FILED

**Purpose (use):** IRRIGATION

**Irrigation Type:** WATER SPREADING

**Flow Rate:** A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF DIRECT FLOW WATER SPREADING.

**Volume:** 207.60 AC-FT

**Climatic Area:** 2 - MODERATELY HIGH

**Maximum Acres:** 103.80

**Source Name:** FIVEMILE CREEK

**Source Type:** SURFACE WATER

**Point of Diversion and Means of Diversion:**

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NWNW	9	9S	60E	CARTER

**Period of Diversion:** APRIL 15 TO AUGUST 15

**Diversion Means:** DIVERSION DAM

**Period of Use:** APRIL 15 TO AUGUST 15

**Place of Use:**

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	37.00		SWSW	4	9S	60E	CARTER
2	32.80		SWSW	5	9S	60E	CARTER
3	1.20		NENWNW	8	9S	60E	CARTER
4	6.80		N2SENE	8	9S	60E	CARTER
5	22.80		SWNW	9	9S	60E	CARTER

6	0.40	NESWNE	8	9S	60E	CARTER
7	2.80	E2SESE	6	9S	60E	CARTER
<b>Total:</b>						
	103.80					

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**Remarks:**

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

211856-00

212016-00

212017-00